

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	
-v-	:	<b><u>ORDER</u></b>
	:	19 Cr. 382 (AKH)
DAVID SMOTHERMAN,	:	
	:	
Defendant.	:	
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ALVIN K. HELLERSTEIN, U.S.D.J.:

In the above-captioned case trial was scheduled to begin on June 22, 2022. Due to the COVID-19 pandemic and necessary safety precautions, there is limited availability of jurors available for trial, and limited facilities in court to process the jurors required to hear the cases on the dockets of the judges of this court. This case cannot be accommodated on its previously scheduled date given the limited resources available. Accordingly, the date for trial is adjourned to November 14, 2022 at 10:00 a.m. and the Final Pre-Trial Conference is adjourned to November 10, 2022 at 2:30 p.m. Time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.*, until the date of trial.

I find that the interests of justice are served by such an exclusion given the need to take precautions in response to the COVID-19 health crisis, and that those interests outweigh the interests of the defendant and the public in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A); *Barker v. Wingo*, 407 U.S. 517, 531 (1972).

SO ORDERED.

Dated: March 22, 2022  
New York, New York

/s/ Alvin K. Hellerstein  
ALVIN K. HELLERSTEIN  
United States District Judge